(vi) claim 61, drawn to a method of treating cancer in a mammal by administration of an FGFR-4 inhibitor, and

(vii) claims 62-65, drawn to an antibody that reacts specifically with a mutated FGFR-4.

Election with Traverse

Applicants hereby elect, with traverse, the claims of group (ii) for examination.

Discussion of Restriction Requirement

Claims 33-65 are based on claims 1-32 of the corresponding international application. During the international phase, the claims were considered to comply with PCT Rules 13.1 and 13.2. PCT Rule 13.2 states that a group of inventions is so linked as to form a single general inventive concept when there is a relationship among those inventions involving one or more of the same corresponding special technical features. A special technical feature is defined therein as a technical feature that defines a contribution, which each of the claimed inventions, considered as a whole, makes over the prior art.

The claims of group (i) are directed to a method for the prophylactic and/or therapeutic treatment of an RTK-hyperfunction induced disorder with an inhibitor of FGFR-4. The claims of group (vi) are directed to a method of treating cancer in a mammal by administering an FGFR-4 inhibitor. Hence, the special technical feature common to groups (i) and (vi) is an inhibitor of FGFR-4.

The claims of group (ii) relate to a mutated FGFR-4 polypeptide or a nucleic acid thereof, which is detected by a method of group (iii) or (iv). The claims of groups (iii) and (iv) are directed to a method of diagnosing an RTK-hyperfunction induced disorder by determining the presence of mutated FGFR-4 protein or a nucleic acid encoding a mutated FGFR-4 protein. The claims of group (v) are directed to a method of identifying an inhibitor of tyrosine kinase activity by contacting a potential inhibitor with a mutated FGFR-4, which is used in a method according to group (i). The claims of group (vii) are directed to an antibody that reacts specifically with a mutated FGFR-4.

In view of the foregoing, Applicants request that the requirement for restriction be withdrawn, at least in part, and that the claims of groups (iii)-(v) and (vii) be examined together with the claims of group (ii). If, in the opinion of the Office, a telephone

conference would expedite consideration of this issue, the Office is invited to contact the undersigned attorney.

Respectfully submitted,

Carol Larcher, Reg. No. 35,243
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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